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OFFICE OF PETITIONS

In re Application of

Lasky, et al.

Application No. 09/119,209

: DECISION ON PETITION

Filed: July 20, 1998

Attorney Docket No. 565D1C3

This is a decision on the petition under 37 CFR 1.137(b), filed September 24, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 24, 2003, which set a shortened statutory period for reply of three (3) months. An extension of time within the first month was obtained. No further responses were filed within the allowable period, and the application became abandoned on July 25, 2003. A Notice of Abandonment was mailed on December 16, 2003.

The above-identified application had been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178.

The amendment filed September 24, 2004, is noted and made of record.

Deposit account 13-2725 will be charged \$1,330.00 for the instant petition fee.

The application is being forwarded to Technology Center 1600, GAU 1646 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

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Office of Petitions